

APR 28 2005

LUTHER P. THOMAS, Clerk
By: 
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|------------------------|---|----------------------|
| DELTA AIR LINES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION FILE |
| |) | NO. 1:03-CV-2652-RWS |
| THE SMART FLYER, INC., |) | |
| MICHAEL HOLTZ, |) | |
| JEFFREY TRAUGOT, |) | |
| and DARRYN WEINSTEIN, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

FINAL JUDGMENT

The Joint Motion of the parties for the entry of this Final Judgment has come before the Court for consideration. The Parties inform the Court that they have reached a settlement agreement pursuant to which all claims and counterclaims asserted in this Action will be fully and finally resolved. The Parties further inform the Court that one of the essential conditions of their settlement agreement is the entry of a Final Judgment that would make permanent the preliminary injunction granted by this Court's ORDER of November 18, 2004 [57], and would otherwise dismiss all claims and counterclaims asserted in this Action with prejudice.


The Court having considered the submission of the parties and found that there is good cause for the entry of this Final Judgment; it is therefore hereby ORDERED, ADJUDGED and DECREED as follows:

(1) The preliminary injunction granted by this Court's ORDER of November 18, 2004 [57], is hereby made FINAL. Each of the Defendants is permanently ENJOINED from purchasing or soliciting the purchase of Delta SkyMiles awards or mileage credit from any SkyMiles member and from selling any SkyMiles mileage credit or tickets obtained through this conduct.

(2) This Court shall retain jurisdiction for the purpose of enabling any of the parties to this Final Judgment to apply to the Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify or terminate any of its provisions, to enforce compliance, and to punish any violations of its provisions.

(3) Except as set forth in this Final Judgment, all claims and counterclaims asserted by any Party in this action are hereby fully and finally DISMISSED WITH PREJUDICE. Each party shall bear their own costs of the action.

SO ORDERED this 28th day of April, 2005.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE